

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 26, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B143527 Loera v. City of Los Angeles
B144635 Fokuo v. Crawford

Argument waived, cause submitted.

B143702 O'Byrne et al.
 v.
 Santa Monica Hospital Medical Center et al.

Merits:
Argued by Carolyn Oill for respondent. No appearance for appellant.
Cause submitted.

B142164 Lawson
 v.
 Skyline Healthcare Center

Merits:
Argued by Andrew K. Witman for appellant and by Robert Bastian for respondent. Cause submitted.

DIVISION ONE (Continued)

B146393 Laudeman
 v.
 Laudeman

Merits:
Argued by Gary W. Kearney for appellant and by Don Mike Anthony for respondent. Cause submitted.

B146411 Ford
 v.
 Portion Pac, Inc.

Merits:
Argued by J. Michael Phelps for respondent. No appearance for appellant. Cause submitted.

Ortega, J. leaves the bench.

B147087 Morris
 v.
 Blank

Merits:
Argued by Craig Breitman for appellant and by Michael I. D. Mercy for respondent. Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B143319 Frazer, as Trustee, etc.
 v.
 Bersin et al.

Merits:
Argued by Arthur E. Schwimmer for appellant and by H. Gilbert Jones for respondents. Cause submitted.

Mallano, J. returns to the bench.

DIVISION ONE (Continued)

Ortega, J. leaves the bench.

B142063 Ersoff
 v.
 Mardirossian & Associates, Inc.

Merits:
Argued by Ira Reiner for appellant and by Donald Conway for respondent.
Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B143431 Benasra
 v.
 Marciano et al.

Merits:
Argued by Robert C. Welsh for appellants and by Deborah Drooz for
respondent. Cause submitted.

Court recessed.

Court reconvened at 11:20 A.M.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

B138183 Shemtov
 v.
 First City Business, Inc.

Merits:
Argued by Norman Pine for appellant and by Raul L. Martinez for
respondent. Cause submitted.

DIVISION ONE (Continued)

B146232 Vance
v.
The Ministry Of Film, Inc., et al.

Merits:
Argued by David J. Myers for appellant, by Robert H. Rotstein for respondent Red Letters, by A. Ramond Hamrick for respondent Barab, Kline etc., and by Eric T. Lamhofer for respondent Ministry of Film, Inc. Cause submitted.

Court adjourned.

B143462 People (Not for Publication)
v.
Hoare

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B145254 People (Not for Publication)
v.
Butler

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION ONE (Continued)

B147627 Los Angeles County Department of (Not for Publication)
Children and Family Services
v.
Teresa F.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B148304 The People (Not for Publication)
v.
Michael C.

The order is modified to reflect that the maximum period of camp
confinement is six month and, as modified, affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B143630 People (Not for Publication)
v.
Santellana

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B143280 People (Not for Publication)
v.
Duffour

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B148443 Los Angeles County Department of (Not for Publication)
Children and Family Services
v.
Carol C.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B142364 People (Not for Publication)
v.
Reed

Reed's conviction for theft by embezzlement (count 2) is reversed; in all other respects, the judgment is affirmed, and the cause is remanded to the trial court with directions to determine whether the People intend to retry count 2; if not, the trial court shall modify Reed's sentence to 89 years to life and issue a corrected abstract of judgment; if count 2 is retried, the trial court shall thereafter make such further orders and sentencing adjustments as may be required.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

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The judgment is reversed and the cause is remanded to the trial court. If Silva moves to withdraw his no contest plea within 30 days of the date this decision becomes final, the trial court shall vacate Silva's no contest plea and reinstate the information for further proceedings. If Silva does not move to withdraw his plea within the 30-day period, the trial court is directed to reinstate the judgment and correct the amount of the parole revocation fine.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B142517 Romney (Not for Publication)
v.
Allstate Insurance Company et al.

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B131623 Anderson, Sr. (Not for Publication)
B134205 v.
 Presbyterian Church et al.

The judgment is affirmed. Respondents are awarded their costs on appeal, however, because the record does not indicate that there was any notice of appeal filed from the summary judgment in favor of the Presbytery Defendants, those respondents are not entitled to their costs on appeal.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B150070 The People (Not for Publication)
 v.
 Gerard A.

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B148262 People (Not for Publication)
 v.
 Tara Latonya Johnson

The judgment is reversed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B146780 People v. Borders (Not for Publication)

The judgment is modified to reflect 52 days of presentence conduct credit and a total of 157 days of presentence credit. The trial court is directed to correct the abstract of judgment to reflect the modification of presentence credits and to indicate that the sentence on count 2 is stayed pursuant to section 654. In all other respects, the judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B148802 Williams (Certified for Publication)
v.
Superior Court of Los Angeles County
The People

The petition is granted, the order to show cause is discharged and the stay is dissolved.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

B143803 The People (Certified for Publication)
v.
Michele Elaine D.

The judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

DIVISION TWO (Continued)

B146873 People (Not for Publication)
v.
Hollister

The judgment is affirmed to stay the concurrent sentence of 25 years to life on count 2, false imprisonment. In all other respects, the judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B149196 People v. Jacques (Not for Publication)

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

B147144 Hughes Electronics et al. (Not for Publication)
v.
The Superior Court of Los Angeles County
Abbadessa

The alternative writ is discharged and the stay is dissolved. Let a peremptory writ of mandate issue directing the respondent trial court to vacate its order directing petitioners to produce the Cotten materials, and to enter a new and different order denying the motion. Costs to petitioners.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION THREE

B142508 Scott Barrington et al. (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B137306 People (Not for Publication)
 v.
 Ritch Briant, Randall Lee Rojas, and Jessica A. Colwell

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B141328 People (Not for Publication)
 v.
 Earl Washington

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FIVE

B32499 Koye Fernandez Enterprises, Inc.
 v.
 Mercury Air Group, Inc.

Filed order denying petition for rehearing.

DIVISION SIX

B150439 In re Mendoza on Habeas Corpus (Not for Publication)

The petition for writ of habeas is granted. The judgment is vacated and the matter is remanded to the Los Angeles County Superior Court for retrial and/or other further proceedings. Pursuant to Business and Professions Code section 6086.7, subdivision (c), the clerk of this court is directed to send a copy of this opinion to the State Bar and to attorney Cheri A. Owen.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B149514 People (Not for Publication)
 v.
 Davalos

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

September 26, 2001-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B147991 People (Not for Publication)
v.
Perez

Appellant's conviction on count 2 for receiving stolen property (§ 496, subd. (a)) is reversed. The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment deleting the conviction on count 2. As modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B146269 People (Not for Publication)
v.
Mecos C.

In re Mecos C., a Minor Coming Under the Juvenile Court Law.

The order under review is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B134244 Doss, et al. (Not for Publication)
 v.
 The Vons Companies, Inc.

The judgment is affirmed. Respondent Vons is awarded its costs on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Woods, J.

B146892 People (Not for Publication)
 v.
 Guzman

The appeal is dismissed.

Lillie, P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

B144384 People (Not for Publication)
 v.
 Robert C.
 In re Robert C., a Person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

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The judgment is modified by staying the term the court imposed on count 2 pursuant to Penal Code section 654. In all other respects, the judgment is affirmed. The superior court shall have its clerk prepare an amended abstract of judgment showing that the term imposed on count 2 is stayed pursuant to Penal Code section 654 and shall send the amended abstract of judgment to the California Department of Corrections.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B147743 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Katrina F.
In re Johnathan C., a Person coming Under the Juvenile Court Law.

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B148418 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Roberta Y.
In re Zachary Y., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B142014 Deitrick (Not for Publication)
v.
Bonta

The judgment is reversed and on remand the trial court is directed to grant the petition and to remand the matter to DHS to reconsider Deitrick's application for hardship waiver in light of her current situation. Deitrick is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B144783 Thurlwell (Not for Publication)
v.
Shook

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B142154 M.A.G.D. Properties et al. (Not for Publication)
v.
We'Re #1, Inc.

The judgment and orders appealed from are affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)